

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.11509 Construction permit for establishment of disposal area; application; engineering plan; construction permit application fee for landfill; construction permit for solid waste transfer facility, solid waste processing plant, or other disposal area; fees; fee refund; permit denial; resubmission of application with additional information; modification or renewal of permit; multiple permits; disposition of fees.

Sec. 11509. (1) Except as otherwise provided in section 11529, a person shall not establish a disposal area except as authorized by a construction permit issued by the department pursuant to part 13. In addition, a person shall not establish a disposal area contrary to an approved solid waste management plan, or contrary to a permit, license, or final order issued pursuant to this part. A person proposing the establishment of a disposal area shall apply for a construction permit to the department through the health officer. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the department.

(2) The application for a construction permit shall contain the name and residence of the applicant, the location of the proposed disposal area, the design capacity of the disposal area, and other information specified by rule. A person may apply to construct more than 1 type of disposal area at the same facility under a single permit. The application shall be accompanied by an engineering plan and a construction permit application fee. A construction permit application for a landfill shall be accompanied by a fee in an amount that is the sum of all of the following fees, as applicable:

- (a) For a new sanitary landfill, a fee equal to the following amount:
 - (i) For a municipal solid waste landfill, \$1,500.00.
 - (ii) For an industrial waste landfill, \$1,000.00.
 - (iii) For a type III landfill limited to low hazard industrial waste, \$750.00.
- (b) For a lateral expansion of a sanitary landfill, a fee equal to the following amount:
 - (i) For a municipal solid waste landfill, \$1,000.00.
 - (ii) For an industrial waste landfill, \$750.00.
 - (iii) For a type III landfill limited to low hazard industrial waste, construction and demolition waste, or other nonindustrial waste, \$500.00.
- (c) For a vertical expansion of an existing sanitary landfill, a fee equal to the following amount:
 - (i) For a municipal solid waste landfill, \$750.00.
 - (ii) For an industrial waste landfill, \$500.00.
 - (iii) For an industrial waste landfill limited to low hazard industrial waste, construction and demolition waste, or other nonindustrial waste, \$250.00.

(3) The application for a construction permit for a solid waste transfer facility, a solid waste processing plant, other disposal area, or a combination of these, shall be accompanied by a fee in the following amount:

- (a) For a new facility for municipal solid waste, or a combination of municipal solid waste and waste listed in subdivision (b), \$1,000.00.
- (b) For a new facility for industrial waste, or construction and demolition waste, \$500.00.
- (c) For the expansion of an existing facility for any type of waste, \$250.00.

(4) If an application is returned to the applicant as administratively incomplete, the department shall refund the entire fee. If a permit is denied or an application is withdrawn, the department shall refund 1/2 the amount specified in subsection (3) to the applicant. An applicant for a construction permit, within 12 months after a permit denial or withdrawal, may resubmit the application and the refunded portion of the fee, together with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.

(5) An application for a modification to a construction permit or for renewal of a construction permit which has expired shall be accompanied by a fee of \$250.00. Increases in final elevations that do not result in an increase in design capacity or a change in the solid waste boundary shall be considered a modification and not a vertical expansion.

(6) A person who applies to permit more than 1 type of disposal area at the same facility shall pay a fee equal to the sum of the applicable fees listed in this section.

(7) The department shall deposit permit application fees collected under this section in the solid waste staff account of the solid waste management fund established in section 11550.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1996, Act 358, Eff. Oct. 1, 1996;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

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